

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WEST VIRGINIA CELLULAR	)	
TELEPHONE CORP. FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT AN ADDITIONAL	)	CASE NO.
CELL FACILITY IN THE KENTUCKY PORTION	)	97-270
OF THE HUNTINGTON-ASHLAND WV/KY/OH	)	
METROPOLITAN STATISTICAL AREA (THE	)	
SUMMIT CELL FACILITY)	)	

O R D E R


The Commission has received the attached letters from Russell E. Smith, Mary C. Thompson, Mrs. John W. Bullion, Okey Wiley, Orville Stephens, Carl E. Pruitt, and James E. Armstrong (hereinafter referred to collectively as "Petitioners") regarding the proposed cellular telecommunications facility to be located off Stephens-Thompson Drive, near Meade Station, Boyd County, Kentucky. Also attached is a petition signed by approximately 16 individuals who reside near the site of the proposed construction.

IT IS THEREFORE ORDERED that:

1. West Virginia Cellular Telephone Corp. ("West Virginia Cellular") shall respond to the Petitioners' concerns by certified letter, within 20 days from the date of this Order.
2. West Virginia Cellular shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.

Done at Frankfort, Kentucky, this 16th day of July, 1997.

ATTEST:

  
Executive Director

PUBLIC SERVICE COMMISSION

  
For the Commission

Russell E. Smith  
920 Stephens Meade Road  
Ashland, KY 41102  
606-928-8519

RECEIVED

JUN 26 1997

June 24, 1997

PUBLIC SERVICE  
COMMISSION

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, KY 40602

RE: Case No. 97-270 (The Summit Cell Facility)

Dear Sir:

Please be advised that I need to know and understand what my rights are as an affected property owner. Please send to me the regulation or statute concerning the construction of a cell facility to provide cellular radio telecommunication service.

I have been informed by the surveyor for West Virginia Cellular Telephone Corp. that no construction can be made within the 500' radius of the tower. I have several building lots located within this radius. If I am not permitted to construct homes in this area, then the value of my real estate will be greatly diminished. Should my property be devaluated, then I must be compensated for the value of my property.

Be advised that I am opposed to this project if I am adversely affected. If necessary, I will seek whatever relief is available to me through the courts.

Please advise me as soon as possible concerning the regulation for this project.

Respectfully,

Russell E. Smith



Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, KY 40602

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JUL - 1 1997

RE: Case No. 97-270 (The Summit Cell Facility)

PUBLIC SERVICE  
COMMISSION

PETITION

The individuals listed below are adamant in their opposition to the proposed construction of a new cell facility to provide cellular radio telecommunication service. The proposed location is off Stephens-Thompson Drive near Meade Station, Boyd County, Kentucky. We believe this project to be detrimental to each of us by decreased property values and by restricting the use of our land. The best interest of all parties involved would be to locate this facility to an area where individual homes would not be adversely affected.

<u>Date</u>	<u>Name &amp; Address</u>	<u>Phone No.</u>
6-25-97	Russell E. Smith Stephens Meade Rd.	928-8519
	Virginia H. Smith Ashland Ky	
6-25-97	Timothy W. Smith 902 Stephens Meade Rd. Ashland Ky 41102	928-8892
	Glenda R. Smith 902 Stephens Meade Rd. Ashland Ky 41102	928-8892
6-26-97	Okey Wiley P.O. Box 769 Ashland, KY 41105	329-1528
6-26-97	Kathleen Stephens Wiley P.O. Box 769 Ashland Ky	329-1528
6-26-97	Ron Williams 921 Stephens Meade Ashland Ky 41102	928-6209
6-26-97	Vivian Williams " " "	928-6209
6-26-97	Onelle Stephens 216 Stephens Meade Rd.	928-6359
6-26-97	Ruth Stephens " " "	928-6359
6-26-97	Betty Douglas 804 Stephens Meade Rd.	928-6043
6-26	Vonnie Douglas 804 Stephens-Meade Rd.	928-6043
6-27	Jimmy W. Stanley 921 Stephens Meade Rd.	928-1811
6-27	Franklin Bogg 10138 Grandview	928-9407
6-27	Vickie Bogg 10138 Grandview Lk. Rd.	928-9407
6-27	Stephen R. Smith - Stephens + Meade Rd.	928-0300

Address on envelope → RUSSEL E. Smith  
920 Stephens Meade Road  
Ashland Ky 41102

June 30, 1997  
BD

Executive Director's Office  
Public Service Commission of Ky.  
P.O. Box 615  
Frankfort, Ky. 40602

Reference Case # 97-270.

In regard to enclosed material, I am against  
having the tower built near my property.  
I believe that the property value would be  
less, if tower was put up, so I am voting  
no on the project. Signed: Mary C. Thompson 6/30/97  
25190 Curie  
Warren, Michigan 48091

RECEIVED

JUL 03 1997

PUBLIC SERVICE  
COMMISSION

**McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC**

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES D. AHATO  
GEORGE B. GREGORY II  
BRENT L. CALDWELL  
W. BRENT RICE  
JAMES H. FRAZIER, III  
STEPHEN C. CAWOOD  
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KELLY A. RANVIER  
R. STEPHEN MCGINNIS II  
JON A. WOODALL  
MARIA S. BUCKLES  
MARGARET H. YOUNG  
STEWART DOUGLAS HENDRIX  
JULIE A. COBBLE

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 347  
GREENUP, KENTUCKY 41144-0347  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
308 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-675-1176  
FACSIMILE 502-226-6234

June 16, 1997

ALSO ADMITTED IN OHIO  
ALSO ADMITTED IN COLORADO  
ALSO ADMITTED IN TEXAS & FLORIDA  
ALSO ADMITTED IN WEST VIRGINIA

Mary C. Thompson  
25190 Curie Street  
Warren, MI 48091

RE: Public Notice - Public Service Commission of Kentucky;  
Case No. 97- 270 (The Summit Cell Facility)

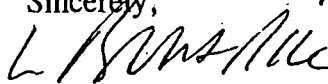
Dear Ms. Thompson:

West Virginia Cellular Telephone Corp., which does business as Cellular One, has applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio telecommunication service. The facility will include a 180' self-supporting tower with attached antennas extending upwards for a total height of 186' and an equipment shelter to be located off Stephens-Thompson Drive, near Meade Station, Boyd County, Kentucky. A map showing the location of the proposed new cell facility is enclosed. This notice is being sent to you because you own property or reside within a 500' radius of the proposed tower.

The Commission invites your comments regarding the proposed construction. You also have the right to intervene in this matter. Your initial communication to the Commission must be received by the Commission within 20 days of the date of this letter as shown above.

Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 97- 270 in your correspondence.

Sincerely,



W. Brent Rice  
Counsel for West Virginia Cellular  
Telephone Corp.

WBR/dkm



STATE OF KENTUCKY  
J. A. N. GARCELONI  
No. 2871  
REGISTERED  
LAND SURVEYOR

*J. A. N. Garceloni*  
JAN GARCELONI P.S. 52871

AREA MAP OF THE PROPOSED

SUMMIT, KENTUCKY  
CELLULAR TOWER SITE

PREPARED FOR

WEST VIRGINIA CELLULAR  
TELEPHONE CORPORATION

A DIVISION OF VANGUARD CELLULAR

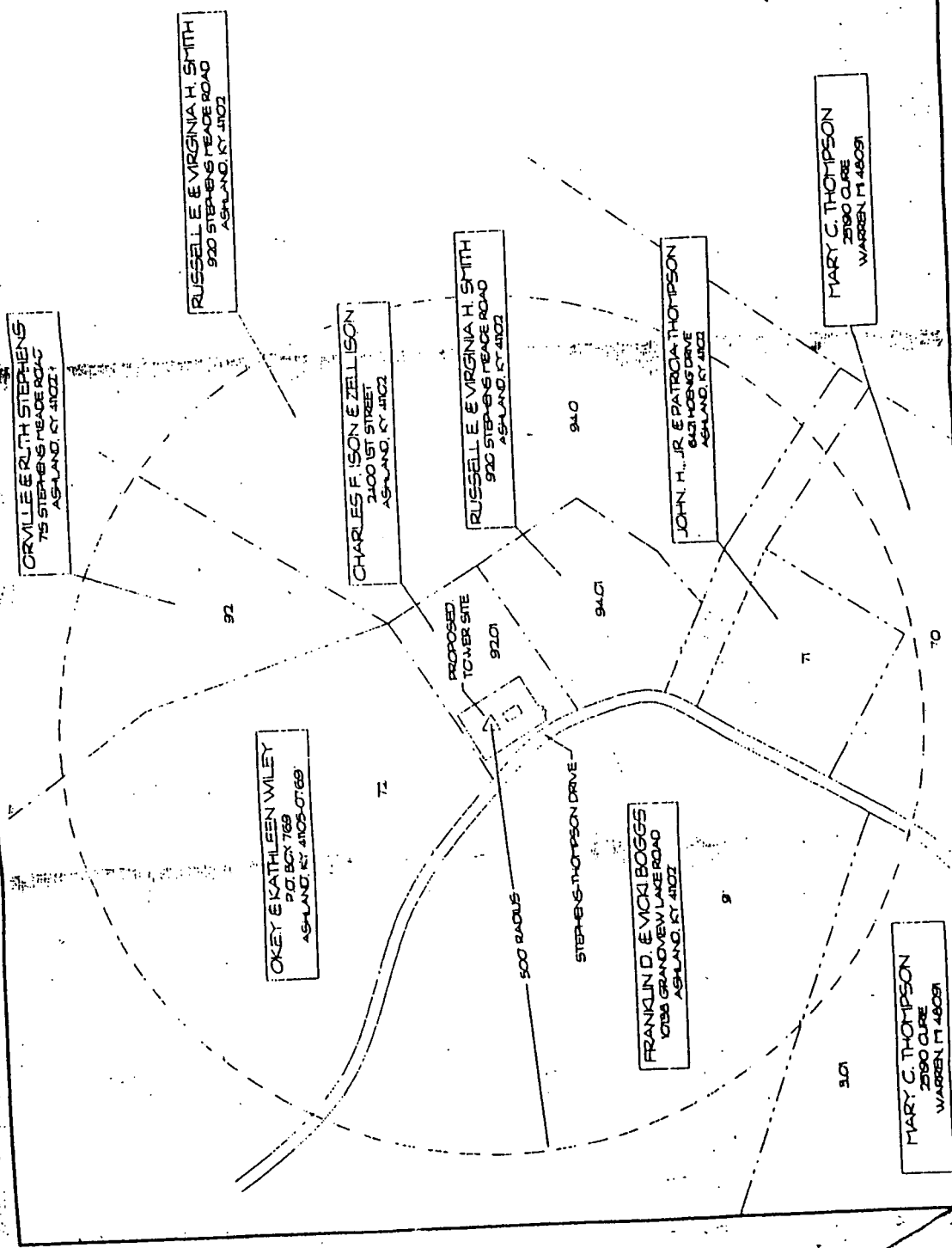
SHOWING

PROPERTIES LOCATED WITHIN A 500' RADIUS OF A PROPOSED  
CELLULAR TELEPHONE COMMUNICATION TOWER TO BE  
CONSTRUCTED ON THE DIVIDE RIDGE BETWEEN STEPHENS  
HOLLOW AND THE EAST FORK OF LITTLE SANDY RIVER ON  
STEPHENS-THOMPSON DRIVE NEAR HEAD STATION IN BOYD  
COUNTY, KENTUCKY.

DATE: MAY 18, 1997

SCALE: 1" = 100'

DWG. NO. 97243



BD

RECEIVED

June 28, 1997

JUN 30 1997

PUBLIC SERVICE  
COMMISSION

Executive Director's Office  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

Re: Case #97-270- (The Summit Cell Facility)

Dear Sir:

I am writing this letter regarding the proposed cellular tower that is being planned for construction on my street. I do not wish to have this tower in our neighborhood.

I have been informed that this tower will interfere with our current telephone service, cable service and satellite services. I have also been informed that this will be hazardous to our health in our community.

We love where we live and we certainly do not need any government project in our neighborhood.

This will also cause our property value to decline. If you want this project built on the proposed sight, I suggest that you meet with every occupant on our street and purchase the entire street, because we are not going to sit by idly and let this construction take place.

A number of our neighbors have already consulted an attorney and we will band together to stop this project.

Sincerely,

*Mrs. John W. Bullion*

Mrs. John W. Bullion  
8326 Ponderosa Ridge  
Ashland, Ky 41102

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JUL 02 1997

PUBLIC SERVICE  
COMMISSION

June 30, 1997

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, KY 40602

Re: Case No. 97-270 (The Summit Cell Facility)

Dear Sir or Madam:

Please be advised that, as a property owner who will be adversely affected by the construction of a 186 foot tower near my property, I strongly oppose the application of West Virginia Cellular.

The project would seriously diminish the value of all real property within a 500 foot radius of the tower and render the property worthless for future development. Because of this, I will join with the other land owners in taking all necessary steps to oppose construction.

Yours very truly,

*Okey Wiley*

Okey Wiley

*P.O. Box 769  
Ashland, Ky 41105*



BD

RECEIVED  
JUL 02 1997  
PUBLIC SERVICE  
COMMISSION

June 30, 1997

Executive Director's Office  
Public Service Commission of Kentucky  
Post Office Box 615  
Frankfort, KY 40602

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The project would seriously diminish the value of all real property within a 500 foot radius of the tower and render the property worthless for future development. Because of this, I will join with the other land owners in taking all necessary steps to oppose construction.

Yours very truly,

Orville Stephens

*Orville Stephens*

716 Stephens Meade Road  
Ashland, KY 41102

**WILSON & PRUITT**

Attorneys at Law  
850 Diederich Boulevard  
Russell, Kentucky 41169-1810

Phone: (606) 836-8300

Fax: (606) 836-1112

Michael C. Wilson

Carl E. Pruitt

July 3, 1997

Executive Director's Office  
Public Service Commission of Kentucky  
P. O. Box 615  
Frankfort, KY 40602

Re: Public Notice - Public Service Commission of Kentucky,  
Case No. 97-270 (The Summit Cell Facility)

RECEIVED  
JUL 07 1997  
PUBLIC SERVICE  
COMMISSION

Dear Executive Director's Office:

I have been requested to intervene in this matter on behalf of John and Patricia Thompson. Attached hereto is a copy of the area map which identifies the property owned by the Thompsons.

The Thompsons are very concerned about the impact that the proposed tower site will have on their property. Unlike most area property owners, the Thompsons' entire property is located within the 500 foot radius. The Thompsons are concerned that their cable and telephone reception will be seriously affected by the tower's transmissions.

Moreover, the Thompsons are concerned that, because of the close proximity of said tower, their right to the use and enjoyment of their property will be restricted. Any such restriction would seriously reduce the market value of this property.

Therefore, John and Patricia Thompson would respectfully request that they be allowed to intervene in this matter so that they may contest the construction of the proposed tower.

Sincerely,

*Carl E. Pruitt*

Carl E. Pruitt

CEP/mak  
enc.



*I. A. N. Garcelon*  
I.A.N. GARCELON  
No. 2871  
REGISTERED  
LAND SURVEYOR

MADE GARCELON 1951 1287

AREA MAP OF THE PROPOSED

SUMMIT, KENTUCKY  
CELLULAR TOWER SITE

PREPARED FOR

WEST VIRGINIA CELLULAR  
TELEPHONE CORPORATION  
A DIVISION OF VANGUARD CELLULAR

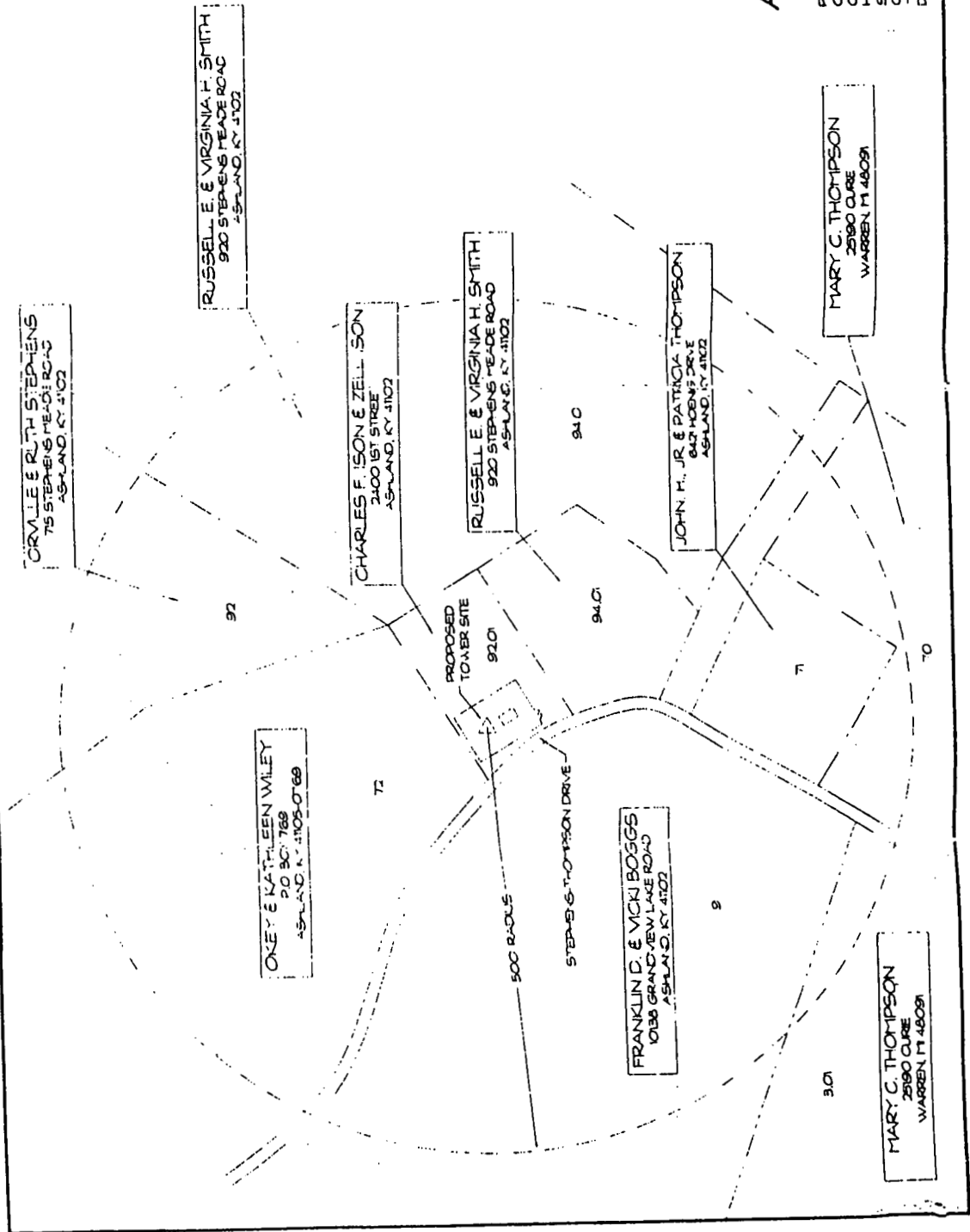
SHOWING

PROPERTIES LOCATED WITHIN A 500' RADIUS OF A PROPOSED  
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HOLLOW AND THE EAST FORK OF LITTLE SANDY RIVER ON  
STEPHENS-THOMPSON DRIVE NEAR HEAD STATION IN BOYD  
COUNTY, KENTUCKY.

DATE MAY 16, 1997

SCALE 1" = 150'

DWG NO. 97243



**JAMES E. ARMSTRONG**

ATTORNEY AT LAW  
205 HARRISON STREET  
GREENUP, KENTUCKY 41144

TELEPHONE  
(606) 473-7316

June 30, 1997

MAILING ADDRESS  
P.O. BOX 616  
GREENUP, KY 41144

RECEIVED

JUL - 1 1997

EXECUTIVE DIRECTOR'S OFFICE  
PUBLIC SERVICE COMMISSION OF KENTUCKY  
P O BOX 615  
FRANKFORT KY 40602

PUBLIC SERVICE  
COMMISSION

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

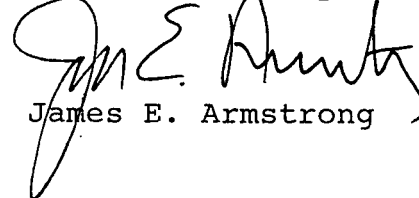
RE: Case No. 97-270  
(The Summit Cell Facility)

Dear Director:

This letter is in response to the letter from W. Brent Rice, Counsel for West Virginia Cellular Corp., addressed to Franklin D. Boggs, a copy of which is enclosed your reference.

Please be advised that my clients object to the new cell facility being constructed near their residence. My clients believe the facility will substantially damage their property and would request the application to construct and operate the facility be denied.

Yours very truly,

  
James E. Armstrong

JEA:ln  
enclosure

cc: Mr. and Mrs. Franklin D. Boggs  
Hon. W. Brent Rice

McBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC

163 WEST SHORT STREET

SUITE 300

LEXINGTON, KENTUCKY 40507-1361

606-231-8780

FACSIMILE 606-231-6518

REAL ESTATE FAX 606-255-9777

W. TERRY McBRAYER  
JOHN R. MCGINNIS  
PHILLIP BRUCE LESLIE \*  
WILLIAM D. KIRKLAND  
J. D. ATKINSON, JR.  
JAMES G. AMATO  
GEORGE D. GREGORY \*\*  
BRENT L. CALDWELL  
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JAMES H. FRAZIER, III +  
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BRUCE W. MACDONALD \*  
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LUKE BENTLEY III  
KELLY A. RANVIER  
R. STEPHEN MCGINNIS \*\*  
JON A. WOODALL  
MARIA S. BUCKLES  
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STEWART DOUGLAS HENDRIX  
JULIE A. COBBLE

\* ALSO ADMITTED IN OHIO

\*\* ALSO ADMITTED IN COLORADO

+ ALSO ADMITTED IN TEXAS & FLORIDA

\*\* ALSO ADMITTED IN WEST VIRGINIA

WATSON CLAY (1908-1985)  
OSCAR SAMMONS (1908-1985)

MAIN & HARRISON STREETS  
P. O. BOX 347  
GREENUP, KENTUCKY 41144-0347  
606-473-7303  
FACSIMILE 606-473-9003

300 STATE NATIONAL  
BANK BUILDING  
P. O. BOX 1100  
FRANKFORT, KENTUCKY 40602-1100  
502-223-1200  
FACSIMILE 502-227-7385

DIRECTOR OF GOVERNMENTAL RELATIONS  
MIKE HELTON  
STATE NATIONAL BANK BUILDING  
305 ANN STREET  
SUITE 308  
FRANKFORT, KENTUCKY 40601-2847  
502-875-1178  
FACSIMILE 502-226-6234

June 16, 1997

Franklin D. Boggs  
10138 Grandview Lake Road  
Ashland, KY 41102

RE: Public Notice - Public Service Commission of Kentucky,  
Case No. 97- 270 (The Summit Cell Facility)

Dear Mr. Boggs:

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Your comments and request for intervention should be addressed to: Executive Director's Office, Public Service Commission of Kentucky, Post Office Box 615, Frankfort, KY 40602. Please refer to Case No. 97- 270 in your correspondence.

Sincerely,



W. Brent Rice  
Counsel for West Virginia Cellular  
Telephone Corp.

WBR/dkm

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WEST VIRGINIA CELLULAR	)	
TELEPHONE CORP. FOR ISSUANCE OF A	)	
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OF THE HUNTINGTON-ASHLAND WV/KY/OH	)	
METROPOLITAN STATISTICAL AREA (THE	)	
SUMMIT CELL FACILITY)	)	

O R D E R

This matter arising upon the motion of John and Patricia Thompson for full intervention, and it appearing to the Commission that the Thompsons have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motion of John and Patricia Thompson to intervene is granted.
2. The Thompsons shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should the Thompsons file documents of any kind with the Commission in the course of these proceedings, they shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 16th day of July, 1997.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director